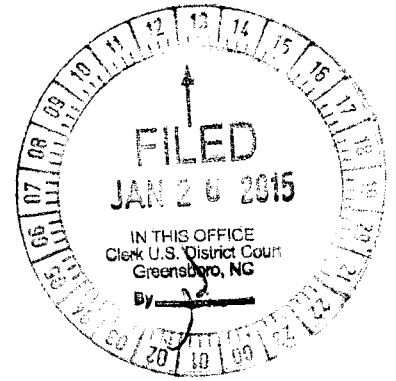


**In the United States District Court
For the Middle District of North Carolina
Greensboro Division**



Defendant, Brian David Hill

v.

Criminal Action No. 1:13-cr-435-1

Plaintiff, United States of America

NEW EVIDENCE BY DEFENDANT

Defendant submits NEW EVIDENCE to the court for any purpose in regards to the Criminal case. The evidence the defendant submits is as follows.

1. COMPLAINT filed with the North Carolina Office of the Ombudsman to the crime lab under the N.C. Department of Justice. Dated and filed through fax machine 1/23/2015 1:11:56 AM (transmission ticket receipt included). Complaint is in regards to NC State Bureau of Investigation Special Agent Rodney White that conducted the analysis for the state crime lab in regards to SBI case #2012-02146, the exact case number of the state crime lab report used in evidence against the defendant.
2. COMPLAINT filed with the North Carolina Office of the Ombudsman to the crime lab under the N.C. Department of Justice. Dated and filed through fax machine 1/2/2015 7:25:48 PM (transmission ticket receipt not included due to technical malfunction which caused the ticket to be not readable). Complaint is in regards to concerns with the NC Triad Crime Laboratory conducting analysis on evidence that was already previously examined by Reidsville, NC Police Detective Robert Bridge which violates state crime lab policy. Because Detective Bridge was not a forensic crime laboratory scientist and went on the defendant's laptop hard drive himself without oversight, it may very well be construed as evidence tampering.

Both complaints are to start formal investigations into the violations of state criminal Laboratory procedure and standards set forth by the North Carolina State

Bureau of Investigation (SBI) and accreditation standards. Because of the multiple blatant violations of crime lab policy and procedure, this harms the defendant in being able to prove his own legal innocence in a jury trial when under ineffective counsel in addition to the rights violated of the defendant.

The defendant was never able to object to the evidence used by the U.S. Attorney due to Philip Edward Berger Jr. violating North Carolina Article 7C, §8-58.20 (See Document #49, Filed 10/06/14, Page 5 of 10) by failing to serve the defendant with the crime lab report and affidavit as mandated by state law for admissibility of state evidence. Philip Berger Jr. is the former District Attorney of Rockingham County whom received the original copy of the State crime lab report conducted by SBI in 2013 which is in the record of the evidence used against the defendant. Because the defendant wasn't served the crime lab report, the defendant had **his right** to object to usage of the crime lab report **violated**. Because of that right being violated the defendant was never able to bring up issues he had with the state crime lab report before being used as evidence against him. His right to object was violated then that evidence was used by the ineffective counsel Eric Placke to coerce him into pleading guilty when the defendant believes in his own legal innocence to the charge. Even if the federal court allows the inadmissible state evidence that violates state admissibility law, it proves how dirty the evidence was obtained by the prosecution to prosecute and convict the defendant.

Respectfully submitted,

Brian D. Hill
Signed

Brian D. Hill (pro se)

916 Chalmers St. – Apt. D, Martinsville, VA 24112

Phone: (276)632-2599

CERTIFICATE OF SERVICE

I hereby certify that service was made by faxing
a true and correct copy of the foregoing NEW EVIDENCE BY DEFENDANT
by fax machine, Transmission Ticket proving receipt included,

on January 23rd, 2015, 2015 addressed to:

Mr. Anand P. Ramaswamy
Assistant United States Attorney
101 South Edgeworth Street
Greenboro, NC 27401
Fax: (336) 333-5381

Brian D. Hill
signed

Brian D. Hill (pro se)
916 Chalmers St. – Apt. D
Martinsville, VA 24112
Phone: (276)632-2599

Date: 1/23/2015

Number of pages: 13

Attn.: Anand P. Ramaswamy

Recipient's number: T13363335381

Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\1(COMPLETE)(Ready to SError Correction: Nol-23}_General (Letter).tif

File description: US DISTRICT COURT - new evidence - 1-13-cr-435-1(COMPLETE)Resolution: 200*200 dpi

Recipient's Fax ID: 3363335381

Rate: 14400 bps

Time: 5:14:14 PM

Session duration: 1:36

To: U.S. Attorney Ripley Rand

Message type: Fax

Record number: 617

Fax Cover Page

Date: 1/23/2015

Time: 5:14:14 PM

Pages: 13

To: U.S. Attorney Ripley Rand

Attn.: Anand P. Ramaswamy

From: Brian David Hill

Fax ID: 276-632-2599

MOTION defendant mails to the US District Court tomorrow.

Date: 1/23/2015
Number of pages: 5

Attn.: N.C. Department Of Justice
Recipient's number: T19197160803

Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\Complaint filed with the OmError Correction: Novirus log(Signed)(Ready to Fax)(2) (2015-01-23).tif
File description: Complaint filed with the Ombudsman regarding virus log(Signed)(
Recipient's Fax ID: 9197160803
Rate: 14400 bps

Time: 1:11:56 AM

Session duration: 8:34

To: Office of the Ombudsman of the state crime lab

Message type: Fax

Resolution: 200*200 dpi

Record number: 607

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EXPRESS YOUR CONCERN

Use this form to share your concern with the Ombudsman to the State Crime Laboratory

* indicates a mandatory field

Your Information

COMPLAINT BRIAN DAVID HILL IS FILING
WITH THE OMBUDSMAN IN REGARDS TO STATE CRIME
LAB FORENSIC EVIDENCE UNDER SBI CASE# 2012-02146

Prefix:
First Name:
Middle Initial:
Last Name:
Mailing Address:

* City:
* State: Zip Code:

Phone Number (including area code):

Fax Number (including area code):

County of Residence:

Email Address:

Brian D. Hill
Signed

All issues brought to the attention of the Office of the Ombudsman in written form may be subject to the NC Public Records law, though issues are explored in as informal and confidential manner as possible. Therefore, you may express your concern without sharing your name.

Nature of your concern (complete any blocks which apply)

Relationship to State Crime Lab:
If Other Explain:
Date of Event: ☒ Now

Details of Concern

 SBI Case #: 2012-02146 (915) iv

* Details:
Limit of 2000 Characters

When Agent Rodney White conducted the forensic analysis he did NOT conduct procedure for a Virus Log as outlined in 5.0 Procedure, 5.1.1.4, Technical Procedure for Writing Results Statements. He failed to follow procedure of creating a virus log.

Do you wish to be contacted regarding your concern?: ☐ No ☒ Yes

If the complaint falls within the jurisdiction of another local, state or federal agency, we may refer your complaint to that agency. The fact that we may not be able to assist you directly does not mean your complaint isn't valid.

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WITH THE OMBUDSMAN IN REGARDS TO STATE CRIME
LAB FORENSIC EVIDENCE UNDER SBI CASE# 2012-02146

Prefix:

First Name:

Middle Initial:

Last Name:

Mailing Address:

* City:

* State: Zip Code:

Phone Number (including area code):

Fax Number (including area code):

County of Residence:

Email Address:

Brian D. Hill
Signed

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Express Your Concern

Resolution Attempts You Have Made

Have you shared your concerns with the SBI?:

☐ No Referring to NC DOJ/SBI - Joy Strickland
☒ Yes Did not submit this
 concern with Agent
 White

If so, what was the result of your contact?:

No response yet

* What resolution would you consider fair?:

That a Virus Log be created by the state crime lab,

* Will you be submitting documentation by mail, email or fax?:

☐ No
☒ Yes Otherwise it gives further reason as to why the state should withdraw
 their evidence from the U.S. District Court since the
 evidence is no longer reliable with conflicting
 evidence of the eMule virus Affidavit/Declaration
 statements, with the state crime lab evidence. That in
 addition to the evidence tampering complaint filed
 through FAX in December, 2014.

Enter security code

N/A

If you wish to provide up to four supporting documents, you may send them to us in one of the following ways:

- Facsimile (919) 716 - 0803 Evidence is attached to this Complaint filed through FAX/FACSIMILE
with the Office of the Ombudsman, NC Attorney General's Office.
- Email - ombudsman@ncdoj.gov
(pdf, doc, docx or txt format)
- Mail - Office of the Ombudsman, NC Attorney General's Office
9001 Mail Service Center
Raleigh, NC 27699-9001

Brian D. Hill
 Signed

Please include your concern receipt number in the subject or reference line of your email, fax or mailing so that
 we may match your documents with your concern.

Print Page

Please print a copy of your completed form to mail in with any supporting documents and keep a copy for your records. Please
 note that the printed copy may not include all of the information included in the details of complaint box.

Submit

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North Carolina Department of Justice / Roy Cooper, Attorney General (919) 716-6400

Technical Procedure for Writing Results Statements

1.0 Purpose - This procedure presents the approved statements that shall be used for reporting digital evidence analysis results in the State Crime Laboratory.

2.0 Scope - This procedure applies to all written result statements for digital evidence analysis in the State Crime Laboratory.

3.0 Definitions

- **Standard Computer Result Statements** – Result statements which are common for all computer cases regardless of the type of case being examined.
- **Non-Standard Computer Result Statements** – Result statements which vary in their content due to the nature of the data being bookmarked and/or due to the nature of the case being worked.

4.0 Equipment, Materials and Reagents

4.1 Equipment and Materials

- Computer with Forensic Advantage (FA) application

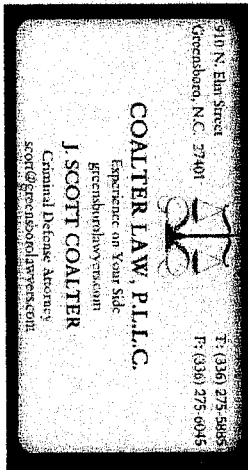
4.2 Reagents – N/A

5.0 Procedure –Analyses shall include an accurate interpretation of the actual results of the examination in a manner approved by the Forensic Scientist Manager or his/her designee and the Crime Laboratory Director. This interpretation may include or build upon one (1) or more of the following responses depending on the circumstances of the case and the nature of the digital evidence examination. The order in which the statements are arranged is left to the discretion of the Forensic Scientist. Deviations shall be approved according to the Laboratory Procedure for Authorizing Deviations.

5.1 Recovered Disc Reporting Method

5.1.1 Computer Result Statements

- 5.1.1.1 This report has been generated in association with Item (Item Number), which should be viewed in conjunction with this written report.
- 5.1.1.2 No data of interest were located on Item (Item number).
- 5.1.1.3 Item (Item number) was unable to be processed for digital evidence because (reason).
- 5.1.1.4 Item (Item Number) was/were scanned for threats using (software) with definitions dated (date). The virus scan log is available for review in the “Recovered\Virus Scan Logs” folder on Item (Item Number).
- 5.1.1.5 (Number) Encrypted file/files of possible interest was/were recovered from Item (Item Number) and is/are available for review in the “Recovered\Encrypted Files” folder on Item (Item Number).



~~Paralegal Braxton~~

said there were no
virus logs in the

Note taken

discovery

Jan. 22, 2014 between
11:30AM and 12:00PM

No virus log in evidence
means no evidence by
the U.S. Attorney
that proves I had
viruses on computer

Brian David Hill note!

Attachment to Joy Strickland
Email evidence

Page 5 of 5
Signed Sep. 27, 2014
page 1

**GENERAL AFFIDAVIT FROM BRIAN DAVID HILL REGARDING STATEMENT OF
FACTS AND WITNESS TESTIMONY ON THE EMULE VIRUS, TROJAN HORSE,
ROGUE PROGRAMS**

Location of witness incident:

State of North Carolina
County of Rockingham
Town of Mayodan

Brian D. Hill
Signed

Location of affiant at the time the affidavit was notarized:

State of Virginia
County of Henry
City of Martinsville

BEFORE ME, the undersigned Notary,

_____ [name of Notary before whom
affidavit is sworn], on this _____ [day of month] day of _____ [month],
20____, personally appeared _____ [name of
affiant], known to me to be a credible person and of lawful age, who being by me first duly sworn, on
_____ [his or her] oath, deposes and says:

Around sometime of July 2012, cannot remember the day but the problem may have lasted for anytime between less then one week to two weeks. Also at that time I did no remember using any Anti-virus software on my computer, and had to keep reminding myself to get the software and install on my computer but I cannot remember if I ever did, which means I don't think I used a anti-virus and if I did I would have clearly recalled. I started noticing that emule.exe was running along with three other programs. Conime.exe, ares.exe, and shareaza.exe. I believe the main program that was rogue and was running was emule.exe. It didn't run under the normal programs. This program ran without my consent, and without my knowledge until I discovered the program running in task manager. I had ended the tasks thinking this Trojan was gone but then days later I noticed that the hard drive space on my computer was out at 0k. I decided to open the program location using the task manager. I noticed it appeared to be a portable version of eMule, at least the folder structure looked similar. I clicked on the shared files folder and saw hundreds of files with names I didn't understand. Some of those names from what I could remember said 9yo, pthc, ptsc, and other terms. I assumed it was just some viruses being shared and deleted everything. I had no idea what was shared or that it was something that would get the police after me. Then I tried to sabotage the virus since it took over my computer and made it difficult to fight against. I even recall a bit about calling my grandmother on the phone telling her that I was fighting a virus or Trojan, and that is really all I recall. So I know I had called my grandmother telling her about this Trojan, and took days to put a stop to, if that was even enough as it could have still ran, but I wouldn't know. I believe there may be other Trojans running on the computer too due to the weird programs that were running. I should have restored my computer but did not because I had a lot of data I would have to move off the computer to conduct the restore.

Honestly if I had known that the Trojan horse was sharing something serious that got me in trouble, if I had known earlier what was being shared then I would have reported the incident to the FBI or the NCMEC and sent the sample of this Trojan horse to Anti-Virus companies for examination then have


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EXPRESS YOUR CONCERN

Use this form to share your concern with the Ombudsman to the State Crime Laboratory

* indicates a mandatory field

Your Information

Prefix:
 First Name:
 Middle Initial:
 Last Name:
 Mailing Address:
 * City:
 * State: Zip Code:

Phone Number (including area code):

Fax Number (including area code):

County of Residence:

Email Address:

All issues brought to the attention of the Office of the Ombudsman in written form may be subject to the NC Public Records law, though issues are explored in as informal and confidential manner as possible. Therefore, you may express your concern without sharing your name.

Nature of your concern (complete any blocks which apply)

Relationship to State Crime Lab:
 If Other Explain:
 Date of Event:

Details of Concern

* Details:
Limit of 2000 Characters

Already sent to you my concerns in faxed letters to this office around Dec 26, 2014, and Dec 19, 2014. Again those concerns are that detective Robert Bridge admitted to going on my computer equipment himself before sending to the crime lab, possible evidence tampering.

Do you wish to be contacted regarding your concern?: ☐ No ☒ Yes

If the complaint falls within the jurisdiction of another local, state or federal agency, we may refer your complaint to that agency. The fact that we may not be able to assist you directly does not mean your complaint isn't valid.

Resolution Attempts You Have Made

Have you shared your concerns with the SBI?:

☐ No
☒ Yes

If so, what was the result of your contact?:

No Response

* What resolution would you consider fair?:

Write a report

on acknowledging any evidence tampering,
evidence planting, and/or violation of crime lab
policy and procedure.

* Will you be submitting documentation by mail, email or fax?:

☐ No
☒ Yes

Already submitted some documentation
through fax around Dec 26, 2014, Dec
19, 2014

Enter security code:

NA

If you wish to provide up to four supporting documents, you may send them to us in one of the following ways:

· Facsimile (919) 716 - 0803

· Email - ombudsman@ncdoj.gov
(pdf, doc, docx or txt format)

· Mail - Office of the Ombudsman, NC Attorney General's Office
9001 Mail Service Center
Raleigh, NC 27699-9001

Please include your concern receipt number in the subject or reference line of your email, fax or mailing so that we may match your documents with your concern.

Please print a copy of your completed form to mail in with any supporting documents and keep a copy for your records. Please note that the printed copy may not include all of the information included in the details of complaint box.

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North Carolina Department of Justice / Roy Cooper, Attorney General (919) 716-6400